



Town of Middletown Planning Department

350 East Main Rd., Middletown RI 02842 (401) 849-4027

PLANNING BOARD MINUTES

SEPTEMBER 14, 2016

Town Council Chambers, 350 East Main Rd., Middletown, RI

Board members present:

Art Weber, Chair
John Ciummo, Vice Chair
Matthew Sullivan, Secretary
Paul Croce
Jan Eckhart
Liz Drayton
Bill Nash

Ron Wolanski, Planning Director
Drew Pflaumer, Principal Planner
Peter Regan, Town Solicitor

The meeting was called to order by Mr. Weber at 6:00pm.

Prior to beginning the items as scheduled on the Agenda, Mr. Weber announced that the Planning Board would not be taking public comment or forwarding an advisory opinion to the Town Council regarding items 6 and 7 at this meeting.

- 1. Approval of the minutes of the August 10, 2016 regular Planning Board meeting and the special meetings of August 3rd, August 17th, August 22nd, August 25th, August 31st, and September 2, 2016.**

Motion by Mr. Croce, seconded by Mr. Sullivan, to approve the minutes of the August 10, 2016 regular Planning Board meeting and the special meetings of August 3rd, August 17th, August 22nd, August 25th, August 31st, and September 2, 2016. **Vote:** 7-0-0.

- 2. Letter to the Planning Board Chairman dated September 1, 2016 from Charles B. Allott, Executive Director of the Aquidneck Land Trust, regarding an application of John Warner for a 3-lot subdivision of land, Plat 120 Lot 68, located on Paradise Avenue.**

Mr. Wolanski explained that Mr. Allott is available for the October 12, 2016 Regular Meeting of the Planning Board to discuss this item in greater detail. Mr. Sullivan expressed his surprise at the events contained within the communication and suggested the Planning Board invite all parties involved to the October 12th meeting to discuss the issue, acknowledging that the Planning Board did not make the dedication of a parcel a condition of the subdivision approval.

Motion by Mr. Sullivan, seconded by Mr. Croce, to receive the communication and invite the involved parties to the October 12, 2016 Planning Board meeting to discuss the issue. **Vote:** 7-0-0.

- 3. Request of the Zoning Board of Review for an advisory recommendation on a petition of William & Elizabeth Gill & David Lawrence on an application for a special use permit to allow proposed development of a 37-unit Senior Independent Living Facility in Zone 1 of the Watershed Protection District pursuant to Sections 1106 and 2202 of the Middletown Zoning Ordinance. Property located at a1 Thelma Lane, Plat 111 Lots 14, 23, & 23B.**

Mr. Wolanski explained that he received a request from the applicants' attorney for a continuance of the matter as the applicants are currently working with the Rhode Island Department of Environmental Management to obtain the necessary approvals.

Motion by Mr. Ciummo, seconded by Mr. Sullivan, to continue the matter to the October 12, 2016 Planning Board meeting. **Vote:** 7-0-0.

- 4. Application of K & R Properties, LLC for Development Plan Review for a proposed addition to a commercial building located at 790 Aquidneck Ave., Plan 114 Lot 93C.**

Mr. Ken Schwartz of Peckham Lane, President of K & R Properties, LLC, explained that the addition is a simple second story on the existing building with no expansion of the footprint. Mr. Wolanski clarified that the proposed addition meets all relevant requirements and that the applicant is requesting no waivers from the Planning Board.

Motion by Mr. Ciummo, seconded by Mr. Sullivan, to approve the proposed development. **Vote:** 7-0-0.

- 5. Public Hearing - Request of the Zoning Board of Review pursuant to section 602 of the Middletown Zoning Ordinance for Development Plan Review and an advisory recommendation on a petition of The Narragansett Electric Company, d/b/a National Grid, for a special use permit to allow construction of an electric power substation and high voltage electric transmission line towers on property located in the R-30 zoning district. Property located on Jepson Lane, Plat 111, Lots 49, 52, & 53.**

Motion by Mr. Sullivan, seconded by Mr. Nash, to open the public hearing. **Vote:** 7-0-0.

Mr. George Watson, the applicant's attorney, explained that the Technical Review Committee process is ongoing. Mr. Watson announced that the applicant had requested an extension of the deadline for the Town to submit an advisory opinion with a new deadline of December 2, 2016 and requested a continuance to the October 12, 2016 Planning Board Meeting. Mr. Weber explained that extending both deadlines will allow the Town to move smoothly through the process without the need to repeat steps in order to meet deadlines.

Motion by Mr. Croce, seconded by Mr. Sullivan, to continue the matter to the October 12, 2016, 6pm, Planning Board meeting. The public hearing remains open. **Vote:** 7-0-0.

- 6. Floor Area Ratio (FAR) Zoning- Discuss and consider recommendation to the Town Council on draft amendments to the Middletown Zoning Ordinance regarding proposed floor area ratio (FAR) building size limitation for construction in residential zoning districts.**

Mr. Weber explained the amount of work the Planning Board had done on this item and the inability to find a solution they are happy with. By consensus the Planning Board elected to remove the floor area ratio (FAR) proposal from consideration and explore an approach to bulk control utilizing height and roof pitch guidelines.

Mr. Croce explained that the Board did not wish to unfairly penalize property owners with small lots or eliminate the ability of homeowners to construct full second stories on their homes. Mr. Nash commended the work put into this issue by the staff.

Motion by Mr. Nash, seconded by Mr. Ciummo, to direct the staff and Planning Board subcommittee to explore options related to roof pitch and height restrictions. **Vote:** 7-0-0.

7. Request of the Town Council for an advisory recommendation on proposed zoning ordinance amendments to regulate the cultivation, distribution and sale of marijuana.

Mr. Weber explained that the Planning Board views this issue as a policy issue beyond the scope of the Planning Board rather than a purely zoning concern and suggested that the Town Council may be better suited to making the decision. Mr. Weber also mentioned the availability of outside help with addressing the issue as well as concerns about making any decisions before updated State regulations are reviewed. Mr. Regan suggested the Planning Board could ask the Town Administrator to retain the services of a consultant for assistance. Ms. Drayton asked how any Town regulations would interact with State laws and Mr. Regan explained this is another area in which a consulting expert would be valuable.

Motion by Mr. Sullivan, seconded by Mr. Croce, to request the Town Administrator to hire a consultant to assist with the issue and to wait until new regulations have been made available to further address the issue. **Vote:** 7-0-0.

8. Public Hearing- Request of the Zoning Board of Review pursuant to Section 305 of the Middletown Zoning Ordinance for Development Plan Review on a petition of Samuels Realty, Co. Inc., to allow construction of an addition to an existing commercial building and associated site work on property located in the limited business traffic sensitive (LBA) and R-20A zoning districts. Property located at 672 Aquidneck Avenue, Plat 114 Lots 107C, 107D, 107E, & 108.

Mr. Wolanski stated that the applicant failed to provide a complete abutters list and, as a result, the Technical Review Committee had been unable to review the proposal and the public hearing would not be possible. He requested the item be continued to the October 12, 2016 Planning Board meeting.

Motion by Mr. Ciummo, seconded by Mr. Nash, to continue the item to the October 12, 2016 meeting. **Vote:** 7-0-0.

9. Public Hearing- Request of the Zoning Board of Review pursuant to Section 305 of the Middletown Zoning Ordinance for Development Plan Review on a petition of East Island Reserve, LLC to allow construction of a commercial building and associated site work on property located in the R-30A zoning district. Property located at 969 and 985 East Main Road, Plat 118 Lots 20 & 21.

Motion by Mr. Ciummo, seconded by Mr. Croce, to open the public hearing. **Vote:** 7-0-0.

Mr. Jay Lynch, the applicant's attorney, and Ms. Lynn Small, the applicant's engineer, explained the changes made to the plan regarding relocating parking from a drainage easement and that the existing greenhouse encroaching on the property will be granted a use easement for the remainder of its useful life. Upon ceasing use, the greenhouse will be removed and the required screening will be completed.

Ms. Small clarified that the proposed pool abutting the greenhouse will be completely fenced in as required by State Law. She also explained that, as the Town's stormwater management regulations had changed since the initial approval for the project, the new components of the plan comply with the new stormwater regulations while the unchanged

components have not been modified. Mr. Wolanski stated that the Technical Review Committee has reviewed the proposal and found no items of concern.

Ms. Teresa Santos of 214 Morrison Avenue inquired about the number of different plans this developer has put forward on this property and wanted to know if every iteration was available to the public. Mr. Wolanski stated that every plan submitted by the developer is contained within the file maintained in the Planning Department office.

Ms. Mary Dennis of East Main Road expressed three concerns with the proposal, namely: That the merging of these two lots would create additional development potential, that there should be no trip sensor installed at the traffic light abutting the property, and that the stone wall dividing the two parcels should be rebuilt somewhere on the property using the original stones to preserve the heritage of the land.

Mr. Lynch explained that the developer has not approached RIDOT regarding installation of a sensor at the light and has no intention of doing so. He also mentioned the developer is amenable to reusing the stones on the property.

Mr. Wolanski stated that, as the current zoning of the land is residential, the commercial use on the property cannot be expanded without approval by the Zoning Board or Review as any expansion would increase the nonconformity.

Ms. Drayton inquired why the developer wanted to combine the parcels. Mr. Lynch stated it was necessary to move the parking off of the drainage easement as the parking and the use it is associated with must be on the same parcel.

Motion by Mr. Ciummo, seconded by Mr. Nash, to close the public hearing. **Vote:** 7-0-0.

Mr. Eckhart expressed concerns, echoed by the rest of the board, about forwarding a recommendation to the Zoning Board of Review without seeing a plan featuring the discussed reuse of the stone wall.

Motion by Mr. Eckhart, seconded by Mr. Weber, to continue the item to the October 12, 2016 meeting. **Vote:** 7-0-0.

10. Updates

- **Comprehensive Plan Implementation**

Mr. Wolanski noted the upcoming Planning Board special meeting on September 28, 2016 at 4 pm to continue discussion of the potential agricultural overlay district. Notice of the meeting was again sent to all property owners in the Farm, Forest & Open Space tax abatement program.

Mr. Regan distributed a draft of the proposed mixed-use zoning ordinance and, by consensus, the Planning Board asked for it to be added to the October 12, 2016 Planning Board meeting agenda.

- **Aquidneck Island Planning Commission.**

Mr. Wolanski reminded the board that the AIPC has received notice of the award of a \$1 million grant from EPA to pursue regional solutions to stormwater runoff impacts. Formal announcement of the award will occur Friday, September 16, 2016 in Bristol, RI.

- **Update on BRAC Navy Surplus Land reuse planning process.**

Mr. Wolanski stated that he had no update on the BRAC process.

- **Committee Reports**

Mr. Sullivan stated that the Open Space and Fields Committee September meeting was cancelled.

- **Appoint Planning Board representative to the Middletown Tree Commission**

There were no volunteers to represent the Planning Board on the Middletown Tree Commission.

Motion to adjourn by Mr. Ciummo, seconded by Mr. Croce. Vote: 7-0-0.

Meeting adjourned at 7:00 pm.

Respectfully submitted:

Ronald Wolanski

Planning Director